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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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MARCIA L. DOUBET
P. O. BOX 422859
KISSIMMEE, FL 34742

EXAMINER	
NAWAZ, ASAD M	
ART UNIT	**PAPER NUMBER**
2155	

DATE MAILED: 01/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/960,080	OBERG ET AL.	
	Examiner	Art Unit	
	Asad M. Nawaz	2155	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *25 October 2005*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-55* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-55* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *7/25/05*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. This action is responsive to the amendment received on 10/25/05. Claims 1-4, 13, 19-21, 23, 25-28, 36, 38-50, and 53-55 have been amended. Claims 56-57 have been canceled. No other claims have been added, amended, or canceled. Accordingly, claims 1-55 are pending.

Information Disclosure Statement

2. The information disclosure statement filed on 7/25/05 has been received and considered by the examiner.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-14, 18-33, 37-48, and 50-55 are rejected under 35 U.S.C. 102(e) as being anticipated by Ying (US Patent No 6,757,521).

As to claim 1, Ying teaches a communication system to provide remote access by an operator to process sections in an industrial plant, the process sections monitored and controlled by a centralised control system, the communication system comprising: a data network; (abstract; Figs 5-7)

a plurality of wireless access points on the data network;(abstract; col 4, lines 33-61)

a mobile wireless device provided to the operator; (col 4, lines 46-61)

a means for connecting the mobile wireless device to one of the wireless access points;(col 4, lines 33-61)

and an interfacing means for connecting the mobile wireless device with the centralized control system using the data network, whereby the operator equipped with the mobile wireless device is able to query the centralized control system for status information pertaining to the process sections and to provide instructions to the centralized control system that request the centralized control system to control the process sections. (cols 4 and 5, lines 33-67 and 1-44)

As to claim 2, Ying teaches the communication system as recited in claim 1, wherein the interfacing means accesses a database containing a profile of each of a plurality of operators. (abstract; Fig 16; col 6, lines 14-31; col 21, lines 9-23)

As to claim 3, Ying teaches the communication system as recited in claim 1, wherein the interfacing means further comprises a means to identify a selected on of the process sections which is in a vicinity of each wireless access point. (cols 4 and 5, lines 33-67 and 1-46)

As to claim 4, Ying teaches the communication system as recited in claim 1, wherein the mobile wireless device comprises: an input means for the operator to input the queries and the control instructions for providing to the centralized control system via the interfacing means; (col 5, lines 40-44)

an output means for providing status information from the centralized control system to the operator; (col 5, lines 24-36)

and a wireless communication means for communicating with the interfacing means using the connected-to one of the wireless access points. (col 5, lines 38-56)

As to claim 5, Ying teaches the communication system as recited in claim 4, wherein the input means of the mobile wireless device is a touch screen. (col 9; lines 34-59; col 21, lines 35-51)

As to claim 6, Ying teaches the communication system as recited in claim 4, wherein the input means of the mobile wireless device is a keyboard. (col 9; lines 34-59; col 21, lines 35-51)

As to claim 7, Ying teaches the communication system as recited in claim 4, wherein the output means of the mobile wireless device is a display screen. (col 5, lines 12-15; col 9; lines 34-59; col 21, lines 35-51)

As to claim 8, Ying teaches the communication system as recited in claim 4, wherein the output means of the mobile wireless device provides voice output. (col 9; lines 34-59)

As to claim 9, Ying teaches the communication system as recited in claim 4, wherein the wireless communication means of the mobile wireless device is a receiver transmitter means. (abstract; figs 7-9; col 14, line 14 – col 16, line 16)

As to claim 10, Ying teaches the communication system as recited in claim 1, wherein the interfacing means is hardware. (abstract; figs 7-9; col 14, line 14 – col 16, line 16)

As to claim 11, Ying teaches the communication system as recited in claim 1, wherein the interfacing means is software. (abstract; figs 7-9; col 14, line 14 – col 16, line 16)

As to claim 12, Ying teaches the communication system as recited in claim 1, wherein the mobile wireless device further comprises log-in means enabling the operator to be identified. (abstract; Fig 16; col 6, lines 14-31; col 21, lines 9-23)

As to claim 13, Ying teaches the communication system as recited in claim 12, wherein the log-in means enables the operator to log-in into either the centralized control system or the mobile wireless device. (abstract; Fig 16; col 6, lines 14-31; col 21, lines 9-23)

As to claim 14, Ying teaches the communication system as recited in claim 1, wherein the mobile wireless device is provided with a radio frequency means to communicate with the wireless access points. (col 19, lines 45-46)

As to claim 18, Ying teaches the communication system as recited in claim 17, wherein the mobile wireless device processes voice data. (col 9, 34-59)

As to claim 19, Ying teaches the communication system as recited in claim 1, wherein the mobile wireless device has a storing means to store information pertaining to a plurality of the process sections. (col 9, 34-59)

As to claim 20, Ying teaches the communication system as recited in claim 1, wherein the mobile wireless device is also a computing device. (col 9, 34-59)

As to claim 21, Ying teaches the communication system as recited in claim 1, wherein the mobile wireless device communicates with a selected one of the wireless

access points, the slected on being that one of the wireless access points which is physically nearest the mobile wireless device. (col 9, 34-59)

As to claim 22, Ying teaches the communication system as recited in claim 1, wherein the interfacing means uses software objects to represent the process sections. (Abstract; Figs 15 and 21; col 10, 13-44; cols 21 and 22; 66-67, 1-52)

As to claim 23, Ying teaches the communication system as recited in claim 22, wherein the interfacing means has a list of pre-defined characteristics for each software object, such that the operator can interact with the pre-defined characteristics of at least one selected one of the process sections, the pre-defined characteristics of the selected one determined by reference to the pre-defined characteristics in the list. (Abstract; Figs 15 and 21; col 10, 13-44; cols 21 and 22; 66-67, 1-52)

As to claim 24, Ying teaches the communication system as recited in claim 22, wherein the interfacing means has the software objects categorized according to a predetermined scheme, and the categories are linked together. (Abstract; Figs 15 and 21; col 10, 13-44; cols 21 and 22; 66-67, 1-52)

Claims 25-33, 37-44, 50 and 55 contain similar limitations as claims 1-24 above and are thus rejected under similar rationale.

As to claim 45, Ying teaches the method as recited in claim 44 wherein the establishing step further comprising the steps of: approaching a selected one of the wireless access points with the mobile wireless device; (col 10, lines 27-45)

transmitting a request signal from the mobile wireless device to the centralized control system in response to approaching the selected wireless access point, and

acknowledging, by the centralized control system, the transmitted request signal; (cols 4 and 5, lines 62-67 and 1-7; col 5, lines 38-64, col 28, lines 37-67)

and identifying the location of the mobile wireless device using a known location of the approached wireless access point. (col 10, lines 1-45)

As to claim 46, Ying teaches the method as recited in claim 44 wherein the establishing step further comprises the steps of: detecting the mobile wireless device carried by the operator by searching amongst login information that indicates which operator is logged in to each of a plurality of mobile wireless devices; (col 10, lines 1-7)

and identifying a location of the operator using a known location of a selected one of the wireless access points which is wirelessly connected to the mobile wireless device of the operator. (col 10, lines 1-45)

Claims 52 and 53 contain similar limitations as claim 46 above and are thus rejected under similar rationale.

As to claim 47, Ying teaches the method as recited in claim 44 wherein the step of sending status information further comprises the steps of: identifying the operator; identifying a location of the mobile wireless device, identifying a selected one of the process sections near the mobile wireless device, customizing the status information pertaining to the identified process section based on the identification of the operator, and sending the customized status information to the mobile wireless device for access by the operator. (Fig 16; col 6, lines 14-31; col 9, lines 9-23 and 60-67; col 10, lines 1-67)

Claim 54 contains similar limitations as claim 47 above and is thus rejected under similar rationale.

As to claim 48, Ying teaches the method as recited in claim 44 wherein the step of establishing a communication link between the wireless device and the centralized control system uses a Radio Frequency link. (col 19, lines 45-46)

As claim 51, Ying teaches the computer program product as recited in claim 50, wherein the computer readable program code means for establishing a communication link further comprises: computer readable program code means for enabling an operator to log-in to the central control system via the mobile wireless device to enable identification of the operator. (abstract; Fig 16; col 6, lines 14-31; col 21, lines 9-23)

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

6. Claims 15-17, 33-35, and 49 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ying (US Patent No. 6,757,521).

As to claim 15, Ying teaches he communication system as recited in claim 14, however Ying does not explicitly indicate the mobile wireless device uses IEEE 802.11 wireless protocol.

It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the IEEE wireless protocol into the teachings of Ying because Ying teaches that a "wide variety of wireless communication protocols and electronics are known in the art and the wireless diagnosis and control system may utilize most any such protocol or electronics. Thus, the invention is to be in no way limited by the particular wireless communication protocol or equipment selected." (col 8, lines 41-48) Furthermore, the IEEE wireless protocol was a well known wireless communication protocol at the time of the instant application.

As to claim 16, Ying teaches he communication system as recited in claim 14, however Ying does not explicitly indicate the mobile wireless device uses HomeRF communication protocol.

It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the HomeRF protocol into the teachings of Ying because Ying teaches that a "wide variety of wireless communication protocols and electronics are known in the art and the wireless diagnosis and control system may utilize most any such protocol or electronics. Thus, the invention is to be in no way limited by the particular wireless communication protocol or equipment selected." (col 8, lines 41-48)

Furthermore, the HomeRF protocol was a well known wireless communication protocol at the time of the instant application.

As to claim 17, Ying teaches the communication system as recited in claim 1, however, Ying does not explicitly indicate the wireless access points use Bluetooth communication protocol, the mobile wireless device being a Bluetooth enabled device.

It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the Bluetooth protocol into the teachings of Ying because Ying teaches that a "wide variety of wireless communication protocols and electronics are known in the art and the wireless diagnosis and control system may utilize most any such protocol or electronics. Thus, the invention is to be in no way limited by the particular wireless communication protocol or equipment selected." (col 8, lines 41-48)

Furthermore, both the Bluetooth protocol and associated devices were well known wireless communication protocols and devices at the time of the instant application.

Claims 35-37 and 49 contain similar limitations as claims 15-17 above and are thus rejected under similar rationale.

Response to Arguments

7. Applicant's arguments filed have been fully considered but they are not persuasive. In substance, the applicant argues that the instant application pertains to the mobile device communicating with a centralized control system that controls the process sections, contrary to Ying's disclosure.

In response, Ying teaches the portable wireless intermediary device enabling wireless communication between the diagnostic device and the control network,

allowing testing, monitoring, and/or diagnosis of the control network (see col 5, lines 20-23). Furthermore, Ying discloses that the portable wireless equipment is programmed ot allow the operator to force individual system components to a desired output state by entering various inputs. The operator causes test commands to be conveyed wirelessly form the portable wireless equipment to the control network, whereupon the test commands are relayed to the appropriate system component (col 5,lines 40-44). Therefore, Ying still meets the scope of the limitations as claimed.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Asad M. Nawaz whose telephone number is (571) 272-3988. The examiner can normally be reached on M-F 8-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Saleh Najjar can be reached on (571) 272-4006. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

AMN

SALEH NAJJAR
SUPERVISORY PATENT EXAMINER